REMARKS

The issues outstanding in the final rejection mailed December 13, 2006, are the rejections under 35 U.S.C. §112, §102 and §103. Reconsideration of these issues, in view of the following discussion, is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §112

Claims 1-14 have been rejected under 35 U.S.C. §112, second paragraph. Reconsideration of this rejection is respectfully requested in view of the typographical and grammatical changes to the claims, correcting obvious errors.

REJECTIONS UNDER 35 U.S.C. §102 and §103

Claims 1-5 and 9-14 have been rejected under 35 U.S.C. §102(b) or the alternative §103, over Foy et al. '786. Reconsideration of this rejection is respectfully requested.

Foy discloses a polyether-ester-amide block copolymer, prepared by condensation of a dicarboxylic polyamide with a polyoxyalkylene glycol. See, for example, column 1, lines 16-28. Patentees teach that the polyamides, having darcarboxylic chain ends, are obtained by, e.g., polycondensation of a lactam or polycondensation of an amino acid or of a diacid and diamine, "carried out in the presence of an excess of an organic diacid, the carboxylic groups of which are preferably located at the ends of the hydrocarbon chain." Patentees teach that the carboxylic acids thus used are fixed during the polycondensation action to the ends of the chain, allowing an alpha-omega-dicarboxylic polyamide to be obtained. See column 4, line 3 through 17. It is thus clear that

the patent fails to suggest, much less to anticipate, the present claims.

Foy fails to anticipate or suggest the present claims, inasmuch as the disclosure results in the production of homopolyamide blocks, and not copolyamide blocks. The diacids disclosed, for example at column 4, are employed in a way such that they are chain-stoppers rather than comonomers. For example, rather than disclosing preparation of a polyamide block from a predominately semicrystalline monomer *and* a co-monomer reducing crystallinity, i.e., producing a polyamide block of the formula X-A-B-B-A-B-A-X, in which A is a monomer and B is a monomer different from A and X is a chain limiting end stopper, Foy discloses a polyamide block of the formula X-A-A-A-A-A-X wherein A is a monomer such as an amino acid or a lactam, and X is an end stopper. Although there may be overlap between the monomers of Foy and those used presently, it is clear that a comonomer is not employed. Accordingly, withdrawal of this rejection is respectfully requested.

It is further noted that, with respect to claim 5, discussed at page 3 of the Office Action, where monomers such as lactams, alpha-omega-aminocarboxylic acids, etc. are arguably employed in Foy, these are monomers used in a condensation resulting in a homopolymer, and not employed in conjunction with a comonomer. Thus, claim 5 is not met even if 11-amino-undecanoic acid, etc., is employed, contrary to the indication in the Office Action.

Claims 1, 2, 5 and 8-14 have been rejected under 35 U.S.C. §102(b), or in the alternative §103, over Figuly et al., '463. Reconsideration of this rejection is also respectfully requested.

Figuly discloses elastomeric polymers containing polyether blocks and polyamide blocks, and the Office Action argues, in the sentence bridging pages 3 and 4, that the examples disclose polymers meeting the requirements of the claims. In fact, it is again submitted that the dicarboxylic acids

disclosed in, for example, examples 2 and 3, function as chain stoppers just as in Foy, and are not comonomers with, e.g., the 11-aminoundecanoic acid of these examples. Thus, the products produced in this patent are of similar nature to those discussed above in Foy, and it is submitted that accordingly, this rejection should also be withdrawn.

Claims 1-14 have also been rejected under 35 U.S.C. §103 over Montanari et al. '517. It is noted that this patent is available *solely* under 35 U.S.C. §102(e), as of its filing date of January 25, 2002. Accordingly, inasmuch as this patent is commonly assigned as the present application, and both patents were commonly owned at the time the present invention was made, it is submitted that a common ownership prohibits such a rejection under 35 U.S.C. §103.

Moreover, even to the extent that the publication of the priority application of Montanari on January 26, 2001, might represent a reference against the present application, it is submitted that the disclosure thereof does not suggest the present claims. In the Office Action, it is admitted at page 5, that the disclosure of the reference does not teach the combination of semi-crystalline monomer and a co-monomer which lowers the crystallinity thereof. It is argued, in the Office Action, that it would be obvious to use both such materials, but no reasons for the modification are given. It is extremely well established that an allegation of obviousness, without reasons or evidence to modify or combine references, fails to present a *prima facie* of obviousness. See, for example, *KSR International Co. v. Teleflex, Inc.,* _____ U.S. _____ (April 30, 2007) holding that a §103 analysis should be made explicit, and *must* identify a reason that would have prompted a person of ordinary skill to combine prior art elements. It is thus respectfully submitted that this reference fails to provide even a *prima facie* case of obviousness, and withdrawal of this rejection is also respectfully requested.

The claims of the application are submitted in condition for allowance. However, the

examiner has any questions or comments, she is cordially invited to telephone the undersigned at the number below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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